

THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
(Charlotte Division)

In re:	)	Chapter 7
	)	
<b>Paul and Alison Hemingfield</b>	)	Case No. 21-30490
	)	
Debtors.	)	

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**MOTION FOR TURNOVER**

Heather Culp, Trustee for the estate of the above captioned Chapter 7 bankruptcy (the “Trustee”), hereby moves for turnover of any files, notes, documents, communications, or other information in possession of the Debtors’ attorney used in preparation of the Debtors’ bankruptcy filing, their petition, their schedules, any drafts of the forgoing, or any document production made to the Trustee. The Trustee further requests any proof of authorization of the filing of the case and signatures on the Debtors’ schedules and statements.

Because the Debtors have no reasonable expectation that the information sought would be held in confidence, the attorney-client privilege is unavailable. *Taylor v. Wolbert (In re Wolbert)*, No. 09-30765, 2010 Bankr. LEXIS 6406, at \*10 (Bankr. W.D.N.C. Feb. 17, 2010).

Wherefore, the Trustee requests the Court require the Debtors’ attorney to produce any files, notes, documents, communications, or other information in possession of the Debtors’ attorney used in preparation of the Debtors’ bankruptcy filing, their petition, their schedules, any drafts of the forgoing, or any document production made to the Trustee as well as any proof of authorization of the filing of the case and signatures on the Debtors’ schedules and statements.

Dated: Charlotte, North Carolina  
June 29, 2022

/s/ Cole Hayes  
Cole Hayes (Bar No. 44443)  
601 S. Kings Drive  
Suite F PMB #411  
Charlotte, NC 28204  
704-490-4247  
*Attorney for the Trustee*

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**NOTICE OF HEARING**

Heather Culp, Trustee for the estate of the above captioned Chapter 7 bankruptcy (the “Trustee”), has filed her *Motion for Turnover* (the “Motion”).

PLEASE TAKE NOTICE that your rights may be affected by the Motion. You should read the Motion carefully and discuss the same with your attorney. If you do not have an attorney, you may wish to consult with one.

PLEASE TAKE FURTHER NOTICE that a hearing will be held on the Motion before the Honorable J. Craig Whitley at the United States Bankruptcy Court, Charles Jonas Federal Building, Courtroom 2B, 401 West Trade Street, Charlotte, North Carolina on **August 22, 2022 at 9:30 A. M. (ET)**.

PLEASE TAKE FURTHER NOTICE that the Court may grant the relief requested in the Motion at said hearing. No further notice will be given.

Dated: Charlotte, North Carolina  
June 29, 2022

/s/ Cole Hayes  
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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the *Motion for Turnover* and related *Notice of Hearing* was served by electronic notification on those parties registered with the United States Bankruptcy Court, Western District of North Carolina ECF system to receive notices for this case on June 29, 2022 as well as by U.S. Mail on the following parties on June 29, 2022:

Corry Brannen  
145 Union Street South, Ste. 104  
Concord, NC 28025

Joseph M. Bochicchio  
Joseph M. Bochicchio, PLLC  
3440 Toringdon Way, Ste. 205  
Charlotte, NC 28277

Paul Hemingfield  
1949 Winpole Ln  
Charlotte, NC 28273

Alison Hemingfield  
1949 Winpole Ln  
Charlotte, NC 28273

Dated: Charlotte, North Carolina  
June 29, 2022

/s/ Cole Hayes  
Cole Hayes (Bar No. 44443)  
601 S. Kings Drive  
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704-490-4247  
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